IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No: 2100 of 1998

Between:

B.R. Hanumanth Reddy S/o B. Gopal Reddy
4-8-122, Vidyanagar Colony, Sangareddy District.
PIN - 502 001.

..... PETITIONER

AND

1 The Labour Court-II
Hyderabad
2 Arrow Metal Spin Ltd. Rep. by its General Manager
Plot.No.62, Ist floor, Nagarjuna Hills, Punjagutta, Hyderabad - 500 042 (Shifted to)
D.No.18, Road No.1, West Maredpally, Secunderabad-26

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, or Direction, more particularly in Nature of Writ of Certiorari, calling the records from the 1st Respondent and consequently set aside the award dt: 30-9-1997 passed by the 1st Respondent and published in
16-10-1997 as illegal, arbitrary in so far as not granting backwages and other attendant benefits to the petitioner and consequently direct the 2nd Respondent to pay backwages and all other attendant benefits to the petitioner from the date of

removal till the reinstatement.

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondent No.1: GP FOR LABOUR

The Court made the following:

ORAL ORDER:-

This Writ Petition is filed aggrieved by the award, dated 30.09.1997, passed by the Labour Court-II, A.P., Hyderabad, insofar as denying the backwages on the ground that the petitioner except for one or two occasions was never ready for disposal of the matter by the Court. Taking into consideration all the circumstances, the Labour Court found it proper to impose the penalty of not awarding the backwages to the petitioner and keeping him under observation for one year.

2. Ultimately, the petitioner aggrieved by the findings of the Labour Court to the extent of denying backwages to him only for the reason that he had sought number of adjournments, filed this Writ Petition.

3. Heard both sides and perused the entire material available on record. I am of the considered opinion that simply because the counsel for the petitioner sought for some adjournments, that itself is not a sufficient ground to deny the backwages to the petitioner.

4. Under these circumstances, the Writ Petition is allowed to the following extent:

The award passed by the Labour Court insofar as denying the backwages to the petitioner is set aside and the matter is remitted to Labour Court. The Labour Court shall take up the matter afresh insofar as considering awarding of backwages in the circumstances of the case on its own merits. On other counts, the impugned award is confirmed. No order as to costs.

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06-06-2005

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To

1 The Labour Court-II, Hyderabad
2 2 CCs to the G.P. for Labour, High Court buildings, Hyderabad (OUT)

3 2 CD copies